

**REMARKS**

Claims 1-20, 23 and 24 are pending in this application. Claims 1, 5, 7, 8, 14, 15 and 18-20 are amended and new claims 23 and 24 are added. Claims 5, 7, 8, 14 and 18-20 are amended to address a rejection under 35 U.S.C. §112.

No new matter is added to the application by this Amendment. Support for the new features added to claims 1 and 15 can be found in FIG. 2, as originally filed, and within the specification, as originally filed, at, for example, the paragraph bridging pages 1 and 2, the paragraph bridging pages 6 and 7 and the full paragraph on page 8. New claim 23 finds support in claim 1 and within the specification, as originally filed, at, for example, the last paragraph on page 3. Support for new claim 24 is found in claim 1 and FIGS. 1a, 1b and 2, as originally filed, and within the specification, as originally filed, at, for example, the paragraph bridging pages 6 and 7 and the full paragraph on page 8.

Reconsideration of the application is respectfully requested.

**I. Information Disclosure Statement filed on December 22, 2008**

Applicant filed an Information Disclosure Statement (IDS) on December 22, 2008. Reference 3 (English Language Translation of Japanese Examination Report dated August 26, 2008) was initialed by the Examiner, and References 1 (JP 2002229708) and 2 (WO 0195358) were not initialed by the Examiner. Thus, the Applicant have enclosed, for the convenience of the Patent Office, a copy of the PTO Form-1449 from the December 22, 2008 IDS. The Applicant request that the Examiner initial references 1-3 in the attached PTO Form-1449 indicating that that references

were considered by the Patent Office before the mailing of the January 12, 2009 Office Action. Moreover, the Applicant request that the Examiner return an initialed copy of the PTO Form-1449 to the Applicant's representative by facsimile communication to (212) 808-0844.

## **II. Allowable Subject Matter**

Applicant thanks the Examiner for the indication that claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## **III. Rejection Under 35 U.S.C. 112**

Claims 5, 7, 8, 14 and 18-20 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

The Patent Office alleges that claims 5, 7, 8, 14 and 18-20 include the phrase "and the like" which is held to be indefinite because it is unclear what the applicant intends to cover by the use of the phrase "and the like."

Claims 5, 7, 8, 14 and 18-20 were amended to remove the phrase "and the like" from the claims.

Applicant submits that amended claims 5, 7, 8, 14 and 18-20 overcome the rejection under 35 U.S.C. 112, second paragraph.

Thus, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

**IV. Rejection Under 35 U.S.C. §103**

Claims 1-4, 6 and 9-13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,348,772 to May in view of U.S. Patent No. 6,410,866 to Klein et al. (hereinafter "Klein"). The rejection is respectfully traversed.

The Patent Office acknowledges that May does not teach or suggest at least one switching device (see page 3 of the Office Action). The Patent Office introduces Klein as allegedly remedying the deficiencies of May by allegedly teaching an operating device having at least one switching device. The Patent Office alleges that it would have been obvious a person of ordinary skill in the art at the time of the invention to provide to the device as taught by May with the feature as taught by Klein in order to increase the application features or the haptic feedback device. Applicant respectfully disagrees with these allegations.

Amended claim 1 requires a control device having at least one actuating element adapted to move inward with respect to the at least one switching device when the at least one actuating element is activated, at least one function of the at least one actuating element that can be visualized with the at least one display device, and at least one switching device adapted to provide haptic feedback to the at least one actuating element when the at least one switching device is activated by movement of the at least one actuating element.

May teaches a control device having an arresting element which is used to provide haptic feedback for a rotating sensation (i.e., individual latching steps) which is associated with the selected function (see the Abstract of May). May also teaches that the rotating sensation of fine latching steps, such as, haptic marks, minimum and

maximum positions can be imparted by the arresting element (see col. 4, lines 16-18 of May). May's arresting element acts on the actuator by means of a toothed wheel, and, depending on the selected function, imparts to the user of the control device an appropriate and individually definable rotating sensation (see col. 4, lines 12-15 of May).

At best, May teaches that a toothed wheel of an arresting element acts on a actuator to provide a rotating sensation as haptic feedback. However, the rotating sensation of the arresting element of May does not teach or suggest at least one switching device adapted to provide haptic feedback to at least one actuating element. Moreover, the Patent Office acknowledges that May fails to teach or suggest at least one switching device.

Klein fails to remedy the deficiencies of May because Klein fails to teach or suggest at least one switching device adapted to provide haptic feedback to the at least one actuating element when the at least one switching device is activated by movement of the at least one actuating element. Thus, neither May nor Klein, taken singly or in combination, teaches or suggests at least one actuating element adapted to move inward with respect to the at least one switching device when the at least one actuating element is activated, at least one function of the at least one actuating element that can be visualized with the at least one display device, and at least one switching device adapted to provide haptic feedback to the at least one actuating element when the at least one switching device is activated by movement of the at least one actuating element as recited in claim 1.

Because these features of independent claim 1 are not taught or suggested by May and Klein, taken singly or in combination, these references would not have rendered the features of claim 1 obvious to one of ordinary skill in the art.

For at least these reasons, claims 1-4, 6 and 9-13 are patentable over May and Klein. Thus, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

**V. New claims**

Neither May nor Klein, taken singly or in combination, teach or suggest a control device having at least one positioning device adapted to provide a haptic guiding function to at least one actuating element by exerting an opposing force in at least one region of the at least one actuating element when the at least one actuating element is activated as required by new claim 23.

May and Klein, taken singly or in combination, also fail to teach or suggest a control device having at least one actuating element displaceable in at least one degree of freedom and comprises at least first and second regions, wherein the first region is a different region than the second region, and at least one actuating element that includes at least one display device comprising at least first and second display fields, wherein the first display field corresponds to the first region of the at least one actuating element and is associated with the first switching device, and further wherein the second display field corresponds to the second region of the at least one actuating element and is associated with the second switching device as required by new independent claim 24.

In view of the foregoing, Applicant submits that new claims 23 and 24 are patentably distinct from and/or non-obvious in view of the cited references, taken singly or in combination.

**VI. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20, 23 and 24 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Early and favorable action is earnestly solicited.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
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Attachment:  
Copy of PTO Form-1449 from December 22, 2008 Information Disclosure Statement